

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

GREGORY THOMPSON,)
Plaintiff,) Civil No. 09-1113
VS.) June 16, 2010
THE WAKENHUT CORPORATION)
Defendant.)

REPORTER'S TRANSCRIPT

PRETRIAL CONFERENCE HEARING

BEFORE: THE HONORABLE GERALD BRUCE LEE
UNITED STATES DISTRICT JUDGE

APPEARANCES:

FOR THE PLAINTIFF: PTC LAW GROUP
BY: ANGELA FRANCE, ESQ.
LAW OFFICE OF MICHAEL EISENBERG
BY: MICHAEL EISENBERG, ESQ.
FOR THE DEFENDANT: DOMBROFF & GILMORE
BY: DONALD C. WEINBERG, ESQ.

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OFFICIAL COURT REPORTER: RENECIA A. SMITH-WILSON, RMR
U.S. District Court
401 Courthouse Square
Alexandria, VA 22314
(703) 501-1580

10:27:13 1 THE CLERK: 1:09 civil 1113, Gregory

10:27:17 2 Thompson versus Wakenhut.

10:27:21 3 MR. WEINBERG: Good morning, Your Honor.

10:27:21 4 THE COURT: Come on up to the podium.

10:27:24 5 I normally would do these in chambers, but

10:27:26 6 I'm doing my docket now in the courtroom so everybody

10:27:28 7 come to the podium and introduce yourself and do it in

10:27:31 8 the courtroom now.

10:27:32 9 Thank you.

10:27:32 10 MR. WEINBERG: Good morning, Judge. Donald

10:27:34 11 Weinberg for the defendant, Wakenhut Services,

10:27:37 12 Incorporated.

10:27:38 13 THE COURT: Good morning.

10:27:38 14 MS. FRANCE: Good morning, Judge. Angela

10:27:40 15 France and Michael Eisenberg for the plaintiff, Gregory

10:27:44 16 Thompson.

10:27:45 17 THE COURT: Good morning.

10:27:50 18 The first question I ask at final pretrial

10:27:53 19 conference is how much time do you all need for trial?

10:27:55 20 How many days for the whole case?

10:28:03 21 MR. WEINBERG: We believe three to four,

10:28:07 22 Judge.

10:28:07 23 THE COURT: All right, August 23.

10:28:12 24 MR. WEINBERG: Beg your pardon, Judge.

10:28:13 25 THE COURT: August 23.

10:28:16 1 MR. WEINBERG: For?

10:28:18 2 THE COURT: For trial.

10:28:20 3 MR. WEINBERG: Sir, yesterday, the Court

10:28:24 4 issued an order indicating that the trial would be set

10:28:28 5 in September.

10:28:29 6 THE COURT: Okay. All right, well let me

10:28:31 7 set a date in September then.

10:28:33 8 MR. WEINBERG: May we have a sidebar at the

10:28:35 9 bench for a brief moment as to a personal issue, Judge.

10:28:38 10 THE COURT: Okay.

10:28:39 11 (Side-bar conference under seal not

10:29:15 12 transcribed)

10:29:15 13 THE COURT: October 4th?

10:30:44 14 MS. FRANCE: That's fine, Your Honor.

10:30:45 15 THE COURT: All right. We'll set the case

10:30:47 16 for trial on October 4th with a jury for four days.

10:30:54 17 Will there be any dispositive motions filed

10:30:57 18 in the case?

10:30:58 19 MR. WEINBERG: The defendant does expect to

10:31:01 20 file such motions, Your Honor.

10:31:02 21 THE COURT: All right. Can we pick a date

10:31:04 22 now for hearing on them? I'm concerned about your

10:31:27 23 scheduling issue. Tell me when it could all be briefed

10:31:30 24 meaning everything submitted to me and we'll pick a date

10:31:34 25 right now. If that means moving it back a couple of

10:31:39 1 weeks, I can do that, too.

10:31:40 2 MR. WEINBERG: Well, is the Court
10:31:42 3 comfortable doing this sometime the second week of
10:31:44 4 September? Is that too late, too early?

10:31:48 5 THE COURT: No, I could do the second week
10:31:50 6 of September. I was concerned about religious holidays.
10:31:54 7 Rosh Hashanah -- it ends on the 9th, but the hearing
10:31:57 8 would be on the 10th.

10:31:59 9 MR. WEINBERG: It would be my preference if
10:32:01 10 the Court pleases to do dispositive motions by the 24th
10:32:05 11 of September --

10:32:07 12 THE COURT: Okay.

10:32:07 13 MR. WEINBERG: -- which will give me the
10:32:09 14 opportunity to work around --

10:32:10 15 THE COURT: I'm going to be away. So, that
10:32:13 16 will be -- I mean, I could do it on the papers, but I
10:32:16 17 think -- why don't we do this. Why don't we move the
10:32:19 18 trial to the 18th so that you're not -- I'm worried
10:32:21 19 about your health situation if you're going to try the
10:32:24 20 case.

10:32:24 21 MR. WEINBERG: The 18th is fine.

10:32:26 22 THE COURT: For the trial, make the trial on
10:32:28 23 the 18th of October.

10:32:29 24 MR. WEINBERG: That's fine.

10:32:29 25 THE COURT: Does that work for the --

10:32:32 1 MR. EISENBERG: Yes, Your Honor.

10:32:32 2 THE COURT: Trial on October 18th for four

10:32:34 3 days.

10:32:34 4 MR. WEINBERG: I would just -- my apologies

10:32:36 5 for what I'm about to say. I leave the country October

10:32:39 6 31st.

10:32:42 7 THE COURT: You leave on October 31st?

10:32:43 8 MR. WEINBERG: Yes, sir, so --

10:32:43 9 THE COURT: If we start on the 18th, I

10:32:46 10 promise you you'll be done well before then. The jury

10:32:48 11 will have a verdict. You'll be in the Court of Appeals

10:32:50 12 before October 31st.

10:32:52 13 MR. WEINBERG: Judge, in the interest of

10:32:53 14 full disclosure, I just wanted to make sure the Court is

10:32:56 15 aware.

10:32:56 16 THE COURT: No, that's fine. You ought to

10:32:58 17 have somebody there with you if you have to leave. I

10:33:00 18 think we will be done. You said for four days total,

10:33:03 19 right?

10:33:03 20 MR. WEINBERG: Yes, sir. We think that

10:33:04 21 should do it.

10:33:05 22 THE COURT: All right. Well, that's all

10:33:05 23 you're going to get is four.

10:33:06 24 MR. WEINBERG: Thank you, Judge Lee.

10:33:08 25 THE COURT: So then the hearing on the

10:33:09 1 summary judgment why don't we do that on the 8th? Does
10:33:14 2 that work?

10:33:15 3 MR. EISENBERG: Apologize, Your Honor, which
10:33:17 4 month?

10:33:18 5 THE COURT: October 8th or we could do it --
10:33:20 6 yeah, October 8th.

10:33:21 7 MR. WEINBERG: That's fine.

10:33:23 8 MR. EISENBERG: That's fine, Your Honor.

10:33:24 9 THE COURT: All right. You all prepare an
10:33:26 10 order for the summary judgment saying that it will be
10:33:29 11 heard on October 8th and give me a schedule that you all
10:33:32 12 agree to about the filing of briefs.

10:33:34 13 All the briefs including reply briefs are to
10:33:38 14 be filed and available to me well in advance of the
10:33:43 15 hearing on October 8th meaning I want to have everything
10:33:58 16 by the 27 of September, if possible, meaning get
10:34:03 17 everything to me by the 27th. Give me time to read it
10:34:07 18 all.

10:34:07 19 MR. WEINBERG: So you want the motions, the
10:34:09 20 rebuttal and replies by then, sir?

10:34:12 21 THE COURT: Yes, by the 27th.

10:34:12 22 MR. WEINBERG: Yes, sir.

10:34:13 23 THE COURT: Two courtesy copies to be filed
10:34:15 24 with chambers.

10:34:16 25 What magistrate judge is deciding this case?

10:34:18 1 Do you all know?

10:34:19 2 MR. WEINBERG: Magistrate Judge Jones.

10:34:20 3 THE COURT: All right. Have you all met

10:34:22 4 with Judge Jones for mediation?

10:34:24 5 MR. WEINBERG: No, sir. We have had a

10:34:25 6 number of appearances before His Honor.

10:34:27 7 THE COURT: All right. I'm going to

10:34:28 8 recommend that you all have a mediation conference with

10:34:30 9 him. Bring your clients. I'll let you all set that up.

10:34:33 10 And his chambers is on the third floor. Why

10:34:35 11 don't you stop there now and get a date certain for

10:34:37 12 mediation conference.

10:34:38 13 MR. WEINBERG: You want us to do that on the

10:34:40 14 way down?

10:34:41 15 THE COURT: Yes, you all are here. Okay.

10:34:43 16 MS. FRANCE: Yes, Your Honor.

10:34:44 17 THE COURT: Thank you very much.

10:34:45 18 MR. WEINBERG: Thank you.

10:34:45 19 THE COURT: Thank you.

10:34:46 20 MR. WEINBERG: Thank you for the Court's

10:34:47 21 understanding.

10:34:48 22 THE COURT: No problem at all.

10:34:49 23 MR. WEINBERG: And my appreciation --

10:34:51 24 THE COURT: No need to.

10:34:52 25 MR. WEINBERG: My appreciation to Court and

10:34:53 1 counsel.

10:34:54 2 THE COURT: You're welcome.

10:34:55 3 MS. FRANCE: Your Honor, just one issue.

10:34:56 4 Typically we do bring exhibit, witness list with us

10:34:59 5 today. Both parties have filed motions to extend that

10:35:02 6 date for --

10:35:03 7 THE COURT: That time is extended because I

10:35:04 8 think we have reasons to extend it. No problem.

10:35:06 9 MS. FRANCE: Thank you, Your Honor.

10:35:07 10 THE COURT: Thank you. We're in recess.

10:36:15 11 (Proceedings concluded at 10:36 a.m.)

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1 CERTIFICATE OF REPORTER
23 I, Renecia Wilson, an official court
4 reporter for the United State District Court of
5 Virginia, Alexandria Division, do hereby certify that I
6 reported by machine shorthand, in my official capacity,
7 the proceedings had upon the pretrial conference in the
8 case of Gregory Thompson vs. Wakenhut Corporation.9 I further certify that I was authorized and
10 did report by stenotype the proceedings and evidence in
11 said pretrial conference, and that the foregoing pages,
12 numbered 1 to 8, inclusive, constitute the official
13 transcript of said proceedings as taken from my
14 shorthand notes.15 IN WITNESS WHEREOF, I have hereto
16 subscribed my name this 24th day of September, 2010.17
18 /s/
19 _____
20 Renecia Wilson, RMR, CRR
21 Official Court Reporter
22
23
24
25